

REMARKS

Claims 1-20 continue pending in this patent application. Claims 6-10 and 17-20 stand withdrawn from further consideration as being drawn to a non-elected invention.

SECTION 112, 2ND PARAGRAPH, REJECTION

Claims 1-5 and 11-16 were rejected under 35 USC § 112, second paragraph, as being indefinite. Applicant traverses this rejection. Applicant traverses this rejection insofar as it might be deemed applicable to any of claims 1-5 and 11-16 as now presented.

In this paper, claims 1-5 and 11-16 have been carefully amended to obviate the indefiniteness identified by the Examiner. All of the amendments to the claims made herein have been made to clarify the recitation of the method and are non-limiting. In particular, claim 1 has been amended to recite a method for manufacturing a hinge-lid box using language that clearly introduces elements of the box and complies with accepted U.S. patent practice for claiming a method. Dependent claims 2-5 and 11-16 have been amended for agreement and correspondence with amended claim 1 and to properly introduce elements of the box where needed. In claim 11, "the geometry" has been retained. Applicant submits that the claimed attribute is inherent in "an area." (The same language in claim 3 was not identified by the Examiner as indefinite.)

Applicant submits that each of claims 1-5 and 11-16 complies fully with the requirements of 35 USC § 112, second paragraph. Applicant therefore requests that this rejection be withdrawn.

PRIOR ART REJECTION

Claims 1-5 and 11-16 were rejected under 35 USC § 102(b) as being anticipated by US 6199688B1 (Focke et al.). Applicant traverses this rejection.

The Examiner acknowledges that Focke et al. does not disclose a method of manufacturing a hinge-lid box in which the collar is fastened to the box body using lines of glue between the collar and the confronting surface of the box body. As a remedy for this deficiency in the Focke et al. disclosure vis-à-vis the requirements of Applicant's claims, the Examiner takes official notice of the use of glue lines on a blank as old and well known, adding that it would

have been obvious to modify the Focke et al. method to use glue lines for fastening the collar to the box body.

For a proper rejection based on 35 USC § 102(b), all of the requirements of the rejected claims must be met by the disclosure in a single prior art document. By acknowledging that Focke et al. does not meet the requirements of Applicant's claims, the Examiner has implicitly acknowledged that Focke et al. cannot properly serve as a basis for rejecting the claims under 35 USC § 102(b).

The method recited in Applicant's amended claims yields a hinge-lid box with a desirable rigidity and resistance to deformation that is not realized in hinge-lid boxes made by known methods. In particular, the method taught by Focke et al. does not produce a hinge-lid box having the desirable attributes of boxes produced using the method disclosed and claimed in this application. Because of the rigidity attained in boxes produced according to Applicant's disclosed and claimed method, significant reductions in starting materials, such as cardboard, can be realized, whereby boxes made according to Applicant's method can be lighter while exhibiting the same levels of rigidity and deformation resistance of heavier boxes made by known methods.

Because these boxes are made in very large numbers, particularly for cigarette boxes, the consumption of starting materials, such as cardboard is enormous. Typically, the currently used packaging machines manufacture 100 cigarette boxes per minute. Obviously, very significant advantages are realized if the consumption of cardboard can be reduced by, for example, 10-20%, without sacrificing desirable technical attributes of prior art boxes. By the method disclosed and claimed in this application, a light and rigid hinge-lid box can be manufactured that exhibits high resistance to deformation, while using less material and causing less waste. As a result, economic advantages and a reduction in environmental burden are realized. The rigidity of the box can be adjusted depending on the particular application and desired use of the box.

According to the disclosure in Focke et al., the fastening surfaces of the collar are fastened by glue to the associated surfaces of the hinge-lid packet. There is no disclosure or suggestion in Focke et al. that the glue is applied across the whole area of the covered part of the collar blank. Also, Focke et al. is silent about whether the glue is applied as spots, dots lines, etc.

There is, of course, no disclosure in Focke et al. regarding the relation between the form and number of glue lines and the rigidity of the box. Focke et al. is particularly directed to the architecture and printing of hinge-lid packets, in particular regions of the collar protruding from the packet portion to which printing is applied. Focke et al. offers no disclosure or suggestion of particular attributes of the method, such as the orientation of glue lines, as recited in Applicant's claims.

In view of the foregoing observations, Applicant submits that the disclosure in Focke et al. cannot properly serve as a basis for rejecting any of claims 1-5 and 11-16 under 35 USC § 102(b).

OTHER PRIOR ART

Applicant has considered the other prior art cited by the Examiner. Applicant is not commenting on this prior art, because it was not applied against the claims in this application.

CONCLUSION

In view of the amendments, observations and arguments presented herein, Applicant respectfully requests that the Examiner reconsider and withdraw the rejections stated in the outstanding Office Action and recognize all of the pending claims as allowable.

If unresolved matters remain in this application, the Examiner is invited to contact Frederick R. Handren, Reg. No. 32,874, at the telephone number provided below, so that these matters can be addressed and resolved expeditiously.

Application No. 10/553,354
Amendment dated June 19, 2008
Reply to Office Action of March 19, 2008

Docket No.: 2835-0156PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

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